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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and UNITED
STATES ARMY CORPS OF ENGINEERS,

Defendant.

No. 3:24-00059-SLG

JOINT MOTION FOR REVISED SCHEDULING ORDER

JOINT MOTION FOR REVISED SCHEDULING ORDER
NORTHERN DYNASTY MINERALS LTD V. EPA
CASE NO.: 3:24-00059-SLG

Plaintiffs, Northern Dynasty Minerals Ltd. (“Northern Dynasty”) and Pebble Limited Partnership (“Pebble Partnership”) (“Plaintiffs”), and Defendant, the United States Army Corps of Engineers (“Corps”), respectfully move that the Court enter a scheduling order to govern the proceedings regarding a potential motion to supplement the Corps’ administrative record. In more detail, the parties state and request as follows:

1. On March 15, 2024, Plaintiffs filed their Complaint in this case against the United States Environmental Protection Agency (“EPA”) under the Administrative Procedure Act, challenging the January 2023 Final Determination of [EPA] Pursuant to Section 404(c) of the Clean Water Act; Pebble Deposit Area, Southwest Alaska. ECF No. 1.
2. EPA filed its Answer to the Complaint on May 20, 2024. ECF No. 43.
3. On June 7, 2024, Plaintiffs filed a Motion for Leave to Amend and Supplement the Complaint, seeking, *inter alia*, to add a new claim challenging the Corps’ denial of Pebble Partnership’s permit application under Section 404 of the Clean Water Act. ECF No. 55. The Court granted Plaintiffs’ motion on August 15, 2024. ECF No. 90.
4. Plaintiffs filed their First Amended and Supplemented Complaint for Declaratory and Injunctive Relief on August 16, 2024. ECF No. 91. On September 27, 2024, Defendants filed their answer. ECF No. 109.
5. On October 18, 2024, the Corps filed a certified index of its administrative record with the Court and served copies of the record on Plaintiffs and the Court. ECF Nos. 112–15.

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6. Plaintiffs' motion to supplement the Corps' administrative record is currently due on November 8, 2024, pursuant to the Court's previously-entered Scheduling Order, ECF No. 65, and the scheduling provisions under Local Civil Rule 16.3(b) and (c).

7. The parties have met and conferred, and they anticipate that it will take longer than the time provided under Local Rule 16.3(b) to brief a motion to supplement the Corps' administrative record. Accordingly, there is good cause to modify the Court's previously-entered Scheduling Order, ECF No. 65, and the scheduling provisions under Local Civil Rule 16.3(b) and (c) as follows to allow the parties to complete this process and brief a potential motion to supplement:

(a) The deadline for Plaintiffs to file a motion to supplement the Corps' administrative record shall be **December 13, 2024**.

(b) If Plaintiffs file a motion to supplement the administrative record in accordance with paragraph (a), then the deadline for the Corps' response to the motion shall be **January 31, 2025**, and the deadline for Plaintiffs' reply shall be **February 14, 2025**.

(c) If Plaintiffs file a motion to supplement the Corps' record, then the parties will submit a joint motion or status report(s) **within two weeks** of the Court's ruling on that motion, proposing a schedule for further proceedings.

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Dated November 5, 2024

/s/ Keith Bradley

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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2024, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court of Alaska by using the CM/ECF system. Participants in this Case No. 3:24-cv-00059-SLG who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Keith Bradley
Keith Bradley, *pro hac vice*

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